IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/920,893	§	Examiner:	Bates, Kevin T.
Filed: August 2, 2001	§	Group/Art Unit:	2155
Inventor(s):	§	Atty. Dkt. No:	5150-57700
David Mark Pierce and Dudley	§		
Wayne Fox, Jr.	§		
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	§		
Title: SYSTEM AND METHOD	§		
FOR A DELTA PAGE	§		
PROTOCOL FOR	§		
CACHING,	§		
REPLICATION, AND	§		
CLIENT/SERVER	§		
NETWORKING	§		

REQUEST FOR PRE-APPEAL BRIEF REVIEW

ATTN: BOX AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reason(s) stated below. Please note that for brevity, only the primary arguments directed to the independent claims are presented, and that additional arguments, e.g., directed to the subject matter of the dependent claims, will be presented if and when the case proceeds to Appeal.

Claims 1-3 and 5-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kerrigan (U.S. Patent No. 5,404,488) in view of Tacklind (U.S. Patent No. 5,626,114). Applicant respectfully traverses these rejections.

Claim 1 recites that a logger application executes on a first computer system, and a trender application executes on a second computer system. The trender application generates a query request for a first portion of measurement data values, and the first computer system sends a single message comprising the first portion of measurement data values to the second computer system. The Examiner admits that Kerrigan does not teach that the trender application executes on a second computer system, where the logger application executes on a first computer system, as recited in claim 1. Applicant respectfully submits that the combination of Tacklind with Kerrigan also does not teach this subject matter.

Tacklind teaches that a monitor module receives measurement data values from a sensor and stores data records specifying the measurement data values (Col. 6, lines 47-60). A user can then push a button on a user interface to cause the monitor module to connect to a remote reporting system and transfer the data records to the remote reporting system (Col. 7, lines 20-29).

Thus, Tacklind teaches the general concept of transferring data from one computer system to another, but teaches almost nothing regarding the specific limitations recited in claim 1. In particular, Tacklind does not teach a trender application generating a query request for a first portion of measurement data values. Instead, the data records are simply transferred to the remote reporting system in response to the user pushing a user interface button to initiate the transfer. Thus, the data records are transferred to the remote reporting system without the remote reporting system requesting the data records or any portion of the data records. Tacklind does not teach a trender application executing on the remote reporting system or anywhere else. Since Tacklind does not even teach a trender application that generates a query request for measurement data values, Tacklind does not, and cannot, remedy Kerrigan's deficient teaching regarding the limitation that the trender application executes on the second computer system, as recited in claim 1.

Furthermore, claim 1 recites that a logger application writes portions of a plurality of real time measurement data values to respective shared memory sections in a modular fashion, where each of the portions of the plurality of real time measurement data values in each of the respective shared memory sections is independently accessible by a trender

application. The trender application generates a query request <u>for a specific portion (i.e., the recited "first portion")</u> of the plurality of real time measurement data values and receives a single message comprising the first portion of the plurality of real time measurement data values. The Office Action relies largely upon Kerrigan to teach this subject matter.

Kerrigan relates generally to a realtime data feed engine for updating an application with the most currently received data from a data feed. The realtime engine receives data values from the data feed and caches the data values. When the application requests updates, the realtime engine determines which of the cached data values are different from data values last sent to the application and sends only those cached data values which are determined to be different. (See Abstract, Col. 1, line 44 – Col. 2, line 39).

The Examiner has taken Kerrigan's realtime engine as the logger application recited in claim 1 and has taken the application that interfaces with the realtime engine as the trender application recited in claim 1. However, Kerrigan does <u>not</u> teach that the realtime engine writes portions of data values to respective shared memory sections <u>in a modular fashion</u>, where each of the portions of data values is <u>independently accessible</u> by the application, as recited in claim 1.

Kerrigan merely teaches that the data values are cached, but does not teach that the data values are modularized into portions or written into respective shared memory sections. With respect to the claim limitations regarding the modularized portions of measurement data values, the Examiner cites element 2016 of FIG. 7. Element 2016 (and FIG. 7 in general) relates to Kerrigan's master interest list structure. Kerrigan teaches that the user can request data updates for only certain items (see, e.g., Col. 5, lines 25-34) and that the master interest list structure indicates the items requested by the user (Col. 6, lines 62-66). The master interest list structure does not store the data values from the data feeds as asserted by the Examiner in the Office Action. Thus, Applicant disagrees that FIG. 7 (or Kerrigan in general) teaches the claim limitations regarding modularization of the measurement data values into portions that are independently accessible by a trender application.

With respect to the recited claim limitation stating that each of the portions of real time measurement data values is independently accessible by the trender application, the Examiner cites Col. 1, lines 52-55. However, Kerrigan teaches here – and throughout the disclosure – merely that the application performs a "request for updates" and in response the realtime engine determines which of the cached data values are different from the data values that were last sent to the application and sends only those cached data values. Kerrigan does not teach writing portions of measurement data values to respective shared memory sections in a modular fashion, where each of the portions is <u>independently accessible</u> by a trender application.

Furthermore, Kerrigan also does not teach, "the trender application generating a query request <u>for a first portion</u> of the plurality of real time measurement data values". As discussed above, Kerrigan throughout the disclosure merely teaches that the application "requests updates", e.g., in order to receive new data values. Kerrigan does not teach that the application requests a specific portion (e.g., the recited "first portion") of a plurality of portions that are each independently accessible by the application. With respect to the recited limitation of the trender application generating the query request for the first portion of the plurality of real time measurement data values, the Examiner cites Col. 26, lines 32-38. However, Kerrigan simply teaches here that the application specifies items of interest for which data updates are desired, and the application repeatedly polls the realtime engine to receive data updates for the specified items of interest. Kerrigan does not teach that the application requests a specific portion of data values from a plurality of portions that are each independently accessible by the application.

Thus, Applicant respectfully submits that the cited references, taken either singly or in combination, do not teach numerous limitations recited in claim 1, and thus claim 1 is patentably distinct over the cited references. Inasmuch as independent claim 11 recites similar limitations as those discussed above with respect to claim 1, Applicant respectfully submits that claim 11 is also patentably distinct over the cited references.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-57700/JCH. Also filed herewith are the following items: ☒ Notice of Appeal

Respectfully submitted,

/Mark K. Brightwell/
Mark K. Brightwell, Reg. No. 47,446
AGENT FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
Date: <u>2007-10-26</u> MKB/JLB